

*ment plant and having a state institution partly within and partly without its boundaries, to contract with the State of Minnesota for the treatment of sewage produced at such state institution.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Certain cities may contract for treatment of sewage.**—Any city of the fourth class, having a population of less than 3,000 inhabitants, operating under a home rule charter and maintaining and operating a sewage purification plant and having a state institution, operated under the direction of the state board of control, located partly within and partly without the boundaries of such city, is hereby authorized and empowered to contract with the state of Minnesota for purification treatment of sewage produced at such state institution, upon such terms and for such period of time as the governing body of such city may determine and authorize.

Approved April 29, 1935.

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#### CHAPTER 347—H. F. No. 1149

*An act to define and regulate the business of compromising, prorating and/or liquidating the debts of a debtor; providing for the administration of this act; providing penalties for the violation thereof and repealing all acts or parts of acts inconsistent therewith.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Who are subject to act.**—Any person, co-partnership, association or corporation who shall engage in or hold themselves out as engaging in the business of compromising, settling, adjusting, prorating or liquidating the indebtedness of a debtor, except as is hereinafter expressly exempted, shall be subject to the provisions of this act.

**Sec. 2. Application to be filed with Secretary of State.**—Any person, co-partnership, association or corporation desiring to engage in such business shall file with the secretary of state, an application to engage in such business, in such form as the secretary of state may provide. Upon the filing of any such application, the secretary of state shall refer a copy of said application to the county attorney in which county such person, co-partnership, association or corporation proposes to establish its business and said county at-

torney shall forthwith inquire into the fitness of such person to conduct such business, having in mind the character of the applicant, or in case of a co-partnership, association or corporation, of the character and fitness of co-partners, officers and directors, together with their ability and fitness to conduct said business in the interest of the debtor, and report such findings with his recommendation to the secretary of state.

**Sec. 3. Bond.**—Before the secretary of state shall issue any permit or authorization to any such person, co-partnership, association or corporation to engage in such business, the applicant shall file with the secretary of state a surety bond to be approved by him in which the applicant shall be the obligor in the sum of \$5,000.00, with one or more sureties whose liability as such surety need not exceed said sum in the aggregate. Said bond shall run to the state of Minnesota for the use of the state or any person or persons who may have cause of action against the obligor of said bond, under the provisions of this act. Such bond shall be conditioned that such obligor will faithfully conform to and abide by the provisions of this act and will pay to the state and to any such person or persons, any and all monies that may be due or owing to the state or to such person or persons from said obligor under and by virtue of the provisions of this act.

If the secretary of state shall find at any time that the bond is insecure or exhausted, or otherwise doubtful, an additional bond, to be approved by him, with one or more sureties, and of the character specified herein, in the sum of not more than \$5,000.00, shall be filed by the obligor within 10 days after written demand upon the obligor by the secretary of state.

**Sec. 4. Secretary of State may examine records.**—Upon written complaint of any person feeling aggrieved and for the purpose of recovering violations of this act or securing information lawfully required by him hereunder, the secretary of state may at any time, either personally or by a person or persons duly designated by him, examine the bonds, accounts, records and files used therein, as to the accounts of the complaining party, of every obligor and of every person, co-partnership, association and/or corporation which shall be engaged in such business, whether such person, co-partnership, association or corporation shall act or claim to act as principal or agent under or without the authority of this act. Or, the secretary of state may forward

such complaint to the county attorney of the county in which such business is situated and the county attorney of such county shall forthwith examine into such matters as heretofore enumerated and make report thereof to the secretary of state. The secretary of state and such county attorney, with all persons duly designated by them, shall have the authority to require the attendance of, and to examine under oath all persons whose testimony he may require, relative to such business.

It shall be the duty of the county attorney, either before or after making such report to the secretary of state, to prosecute any such person, co-partnership, association or corporation found by him upon such examination, or otherwise, to have violated the provisions of this act, or any other law of the state of Minnesota.

**Sec. 5. Shall keep accounts.**—The obligor shall keep and use in his business such books, accounts and records as will enable the secretary of state and/or county attorney in such county, to determine whether such obligor is complying with the provisions of this act. Every obligor shall preserve such books, accounts and records, including cards used in the card system, if any, for at least two years after making the final entry on any contract recorded therein.

**Sec. 6. Shall make statement of account.**—Every obligor shall;

Deliver to any debtor at the time the contract is made, a statement in the English language showing in clear and distinct terms, the amount of the indebtedness claimed by the debtor to be owing to his creditors, the date of the contract and its maturity, the nature of the security, if any, for the contract, the name and address of the debtor and of the obligor and of the agreed total charges for the service rendered or to be rendered.

Within 35 days after the payment of any monies by the debtor to the obligor, the obligor shall pay to the creditors of the debtor their proportionate share due in accordance with the terms of the contract.

Give to the debtor a plain and complete receipt for all payments made on account of such contract at the time such payments are made.

Upon payment of the contract in full, mark indelibly every obligation and security signed by the debtor with the word "Paid" or "Cancelled", and release any mortgage, restore any

pledge, cancel and return any note, and cancel and return any assignment given to the obligor by the debtor.

**Sec. 7. Certain acts a misdemeanor.**—Any person, co-partnership, association or corporation and the several members, officers, directors, agents and employees thereof who shall violate or participate in the violation of any of the provisions of this act shall be guilty of a misdemeanor.

Any contract not invalid for any other reason, in the making or collection of which any act shall have been done which constitutes a misdemeanor under this act, shall be void and the obligor and/or his assigns shall have no right to collect or receive any principal, interest or charges whatsoever.

**Sec. 8. Application of act.**—This act shall not apply to any attorney-at-law duly authorized to practice in this state and resident herein, nor to any person, co-partnership, association or corporation doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations or credit unions, and nothing in this act contained shall permit or be construed as authorizing any person, not otherwise duly admitted to practice law in this state, to engage in the practice of law.

**Sec. 9. Provisions severable.**—If any clause, sentence, section, provision or part of this act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect or invalidate the remainder of this act, which shall remain in full force and effect thereafter.

Approved April 29, 1935.

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#### CHAPTER 348—H. F. No. 1165

*An act to confer upon the commissioner of agriculture, dairy and food certain powers and duties in reference to the eradication of noxious weeds from agricultural lands, and appropriating funds for the purposes of such operations.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Commissioner of Agriculture to enforce act.**—The commissioner of agriculture, dairy and food, hereinafter in this act called the commissioner, is hereby authorized and